IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 598 (S/B) of 2003

Abdul Salman,
S/o late Abdul Hakim,
At prssent working as Assistant Director,
Prashikshan Seva Yojna Nideshalaya,
Uttaranchal, Haldwani,
District – Nainital. **…. Petitioner.**

Versus

1. State of Uttaranchal through Chief Secretary, Shram Seva Yojan, Prakshikshan, Vigyan evam Prayodhiki Vibhag, Uttaranchal Shashan, Dehradun.
2. Chief Secretary, Shram Seva Yojan, Prakshikshan, Vigyan evam Prayodhiki Vibhag, Uttaranchal Shashan, Dehradun.
3. Director, Prakshikshan evam seva yojan, Uttaranchal, Haldwani.

……..Respondents.

Coram:
Hon'ble M.M. Ghildiyal, J
Hon'ble Rajesh Tandon, J
(PC)

Heard Sri M.C. Kandpal, Sr. Advocate, assisted by Sri Kurban Ali, learned counsel for the petitioner and learned standing counsel for respondents.

By means of this writ petition, petitioner has prayed for the following reliefs:

i. Issue a writ, order or direction in the nature of Certiorari to quash the suspension order dated 20.12.2003 annexed as Annexure no. 4 to the writ petition passed by respondent no. 2.

ii. *Issue a writ order or direction in the nature of Mandamus commanding the respondents authorities to permit the petitioner to continue as Assistant Director, Prashikshan Seva Yojna Nideshalaya, Uttaranchal, Haldwani, Nainital and paid the monthly salary regularly.*

iii. *Issue any other writ, order or direction deem fit, and proper in the circumstances of the case.*

iv. *Award the cost.*

The brief facts as narrated in the writ petition are that petitioner was initially appointed as Principal, ITI, Gorakhpur on 26.10.1988. Thereafter, petitioner was transferred to several places and lastly posted as Principal in Government ITI, Karan Prayag, where petitioner joined on 02.01.2003. Petitioner was promoted to the post of Assistant Director and he joined his duties as Assistant Director on 22.10.2003.

Vide order dated 20.12.2003, Principal Secretary, suspended the petitioner for certain charges, which is the order impugned in the present writ petition.

This court vide order 31.12.2003 stayed the operation of impugned order.

In paragraph 12 of the counter affidavit, respondents have submitted that chargesheet has been furnished upon the petitioner on 15.07.2004 and after due inquiry, a report has been sent to the Government for its examination, in which decision of the Government is awaited.

Petitioner was suspended on 20.12.2003 and chargesheet was furnished upon the petitioner 15.07.2004.

More than three years have passed after passing of suspension order but the Government has yet not taken decision on the disciplinary proceedings.

In these circumstances, we deem it fit and proper to direct the respondent no. 2 to pass final order after considering the inquiry report within a period of one month from the date of production of certified copy of this order.

With direction the writ petition as well as Stay Application no. nil of 2003 is finally disposed of. No order as to costs.

(Rajesh Tandon, J) **(M.M. Ghildiyal, J)**

November 3, 2006
SKSharma